



## DEPARTMENT OF EDUCATION

P.O. BOX 83720  
BOISE, IDAHO 83720-0027

DR. MARILYN HOWARD  
STATE SUPERINTENDENT  
PUBLIC INSTRUCTION

### **STATE GUIDANCE**

**To:** Child Nutrition Program  
**From:** Mary Jo Marshall, B.S., Specialist  
**Date:** September 28, 2005  
**Subject:** Household and Categorical Eligibility - General Follow Up Memo SP21  
**Policy Memo SP-05-30**

We have been asked to clarify the following issues related to provisions of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265):

- Direct certification and paper applications
- Ability to decline verification of certain applications
- Completion of applications by local educational agency (LEA) officials

#### **Direct certification and paper applications**

In situations where the school/LEA receives both documentation for direct certification and an application submitted on behalf of the child, school officials should disregard the application. Direct certification takes precedence over the application submitted by the household.

#### **Ability to decline verification of certain applications**

In our March 10, 2005 *Verification Activities - Policy Memo SP-05-18*, we stated "We would also like to point out that the law now allows the LEA, on individual review, to decline to verify up to five percent of applications in the selected sample. Any application that was removed from the sample must be replaced with another approved application. LEAs should consider factors such as household stability and communication difficulties when declining applications." We would also like to clarify that it is the LEA's option to make use of this provision.

#### **Completion of applications by LEA officials**

Current program regulations allow for completion of a school meals application by a LEA official if the LEA has information available to it that an individual household is eligible for free or reduced-price meals (see 7 C.F.R. 245.6(d)). This policy is still valid. Information that might be available to an LEA includes, for example, specific knowledge of household circumstances or information from school counselor or community official.

For further information call the Child Nutrition Division at 208-332-6820